

**WETHERSFIELD PLANNING AND ZONING COMMISSION**  
**PUBLIC HEARING AND MEETING**

**March 17, 2009**

The Wethersfield Planning and Zoning Commission held a public hearing and meeting on Tuesday, March 17, 2009 at 7:00 p.m. in the Wethersfield Police Department Community Room, 250 Silas Deane Highway, Wethersfield, Connecticut.

**1. CALL TO ORDER**

Chairman Hammer called the meeting to order at 7:02 p.m.

**1.1 ROLL CALL & SEATING OF ALTERNATES (5 members required for a quorum)**

Clerk Knecht called the roll as follows:

| Member Name                    | Present | Absent | Excused |
|--------------------------------|---------|--------|---------|
| Joseph Hammer, Chairman        | ✓       |        |         |
| Richard Roberts, Vice Chairman | ✓       |        |         |
| Philip Knecht, Clerk           | ✓       |        |         |
| Thomas Harley                  |         |        | ✓       |
| Robert Jurasin                 |         |        | ✓       |
| Frederick Petrelli             | ✓       |        |         |
| Earle Munroe                   | ✓       |        |         |
| George Oickle                  | ✓       |        |         |
| Anthony Homicki                |         |        | ✓       |
| James Hughes (alternate)       | ✓       |        |         |
| David Drake (alternate)        | ✓       |        |         |
| Thomas Dean (alternate)        | ✓       |        |         |

Also present: Peter Gillespie, Town Planner  
Denise Bradley, Assistant Planner.

Chairman Hammer noted that there were 6 full members and 3 alternates in attendance at the time of roll call. All members present to participate.

**2. OLD BUSINESS**

There was no old business.

**3.0 NEW BUSINESS**

**3.1 PUBLIC HEARING - APPLICATION NO. 1648-09-Z Thomas Hulk (Nutmeg Management Corp.)** Seeking a Special Permit for a Change of Use to operate a technical training school at 1290 Silas Deane Highway.

Thomas Hulk, of Nutmeg Management, spoke on behalf of the application. He said that they propose to change the use of some of the space inside the building from office to technical training school. The tenant would be a leading technical college that has 100 other locations in 30 states. The classes would be primarily information technology, electronic technology, drafting and design, and health sciences.

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Mr. Hulk said that the classes would mostly be from 6:00 – 10:00 PM on weekdays, with office support staff in the building 8:00 – 5:00 PM. He said that no impact is expected on the building or the parking, so no site changes are proposed. He also said that there is a traffic light already at the entrance so there will be no impact on traffic. Mr. Hulk said that the only exterior changes will be new doors for a side entrance for the students. The interior changes will be limited to renovations for classrooms, and a larger men's room, since most of the students are usually male.

Commissioner Roberts asked if the proposal affects only one of the 4 floors in the building. Mr. Hulk said yes, only the first floor.

Chairman Hammer asked how many staff would be present during the day, how many employees did the previous tenant have, and how many total faculty and students would be in the building from 6:00 – 10:00 PM. Mr. Hulk said the school would have approximately 6 – 8 staff during the day, and the previous tenant had 40 – 50 employees. He said that the total during evening classes would depend on the final size of and number of classrooms, but he estimated it would be approximately 125 – 150.

Commissioner Oickle said that he visited the site today and the parking lot looked to be in good shape. He also asked if the plans are ADA compliant and if there is enough space between the building and the building and the trash compactor. Mr. Hulk said the building has elevators, and the renovations would be ADA compliant. He also said that there is enough space between the building and the trash compactor, about 6 feet.

Commissioner Oickle asked about the driveway and gate that is also used by Hartford Hospital. Mr. Hulk said Hartford Hospital used to use the driveway for portable mammography equipment, but they no longer have it, so the gate could be removed if needed.

Commissioner Oickle asked if there is sufficient parking. Mr. Hulk said yes, that the lot is essentially full when the building is at 100% occupancy, and it is about 25% underutilized right now without a tenant on the first floor.

Commissioner Munroe asked for confirmation of the ending time for classes. Mr. Hulk said 10:00 PM. Commissioner Munroe said that the traffic lights on Silas Deane Highway are run by computer, and there is a night schedule that they should check into since classes end late.

Commissioner Roberts said that there are items in the March 10<sup>th</sup> memo from Town Engineer Michael Turner, which need to be addressed, specifically items numbered 1 through 4, and number 6. Mr. Hulk said that they will have no problems addressing those issues.

Chairman Hammer asked if there will be any daytime classes. Mr. Hulk said not now, but they may want to have a few day classes in 4 to 5 years. Chairman Hammer asked if it would be a problem to return before the Commission for a review if there was a significant change in classes. Mr. Hulk said it would not be a problem.

Public Comment:

**Mike Panek, Phoenix Medical** - Mr. Panek said that Phoenix owns the building next door occupied by Hartford Hospital. Mr. Panek said that he feels all of the school activity should be stipulated to take place indoors, since technical schools sometimes have unsightly outdoor classes like for HVAC. Mr.

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Panek also said that he believes that the truck with the portable mammography equipment will not be returning, so the driveway and the gate should not be an issue. He said that he would check to see if the truck will be returning, and if not, the gate could probably be removed if the fire marshal says it is OK.

Applicant Rebuttal:

Chairman Hammer asked if there would be any outdoor classes. Mr. Hulk said no, the classes are primarily health sciences and computer aided design. There will be no HVAC, auto repair, welding or classes of that nature.

**Motion** to close the public hearing - by Commissioner Hughes.

**Seconded** – by Commissioner Roberts.

**Vote:** 9 - 0 - 0

Aye: Hammer, Roberts, Knecht, Petrelli, Munroe, Oickle, Hughes, Drake, Dean

Nay: None

Abs: None

**Public hearing closed.**

**Motion:** Commissioner Munroe motioned to approve the application with the condition that the approval include the minor alterations described at the hearing tonight, such as alterations to the rest rooms and exit modifications.

**Seconded** – Commissioner Hughes seconded the motion, provided that Commissioner Munroe meant to include in the motion the 6 items to include the six (6) items listed in a memo dated March 10, 2009 from Mike Turner, Town Engineer as follows:

1. The applicant is not proposing any exterior site improvements, other than use of exterior door at northeast corner of building. Need to confirm adequacy of lighting at this point of egress into the building as wall pack may be insufficient.
2. We have been advised this use will be essentially an evening classroom setting. The exterior building mounted lights (mounted up near roof top level) should be provided with shields to prevent unnecessary glare from leaving the site. The parking lot lights should be re-aimed to provide full cutoff of light pattern.
3. Applicant should consider relocating at least one handicap parking stall to northeast corner of building near new entrance.
4. The installation of a monument sign in the front yard behind the sidewalk does not appear to create any sight line issues. If externally lighted, the fixtures should direct light downward.
5. The “gate” and right of access from behind adjacent 1260 Silas Deane Highway should be clearly marked and maintained as this was a concern of our past Fire Marshal.
6. The plans should have a table added with our new landscape coverage/buffer calculations, and additional plantings added if appropriate.

**Discussion:** Chairman Hammer recommended that the motion include a requirement for the applicant return to the Commission for a review of parking if there is a significant change in the class schedule. Commissioners Munroe and Hughes agreed to this addition to the motion.

Commissioner Oickle said that he noted there were no doors on the trash corral, and recommended that the motion include a requirement to fully enclose the corral. Peter Gillespie said that exiting Town

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regulations require a fully enclosed corral. Commissioner Oickle said his recommendation is probably not needed.

**Vote:** 9 - 0 - 0

Aye: Hammer, Roberts, Knecht, Petrelli, Munroe, Oickle, Hughes, Drake, Dean

Nay: None

Abs: None

**Application approved with conditions.**

**3.2 PUBLIC HEARING - APPLICATION NO. 1649-09-Z Harish Patel** Seeking a Special Permit in accordance with Section 5.8 of the Wethersfield Zoning Regulations for the sale and dispensing of alcoholic beverages (Harry's Wine & Liquors) at 1267-1309 Silas Deane Highway (Goff Brook Shops).

Harish Patel, Harry's Liquor Store, spoke on behalf of the application. He said the application is for approval of the sale and dispensing of alcoholic beverages. He said that no work is needed for the building. The only changes will be moving some handicap parking spaces in the front of the building and adding a dumpster for cardboard in the rear of the building. Here is already a delivery door in the rear.

Commissioner Oickle asked if there will be 5 handicap spaces in the front, and if there will be a ramp. Mr. Patel said yes, there will be 5 spaces and there will be an ADA-approved ramp.

Commissioner Oickle and Chairman Hammer asked if they plan to use shopping carts indoors, and if they would be allowed outdoors. Mr. Patel said they do plan to use carts, but they will not be allowed outside, so a corral for carts is not needed.

Commissioner Oickle said that he went to the location today, and saw a large steel storage container in the rear of the building that can be seen from the front. Mr. Patel said that it belongs to the landlord, but he will check to confirm with him.

Commissioner Oickle asked if there is a signage plan. Peter Gillespie said that a plan is going before the Design Review Advisory Committee tomorrow.

Commissioner Oickle asked if the new dumpster for cardboard needed to be enclosed. Peter Gillespie said that since it is planned for behind the building, and if it is up against the building like the others in that shopping plaza, then enclosure is probably not needed.

Commissioner Oickle asked if approval is needed to locate another liquor store. Peter Gillespie said that Town requirements say there must not be an undue concentration of package stores and they must be mindful of other liquor licenses. Chairman Hammer said that the Japanese restaurant and the pizza restaurant in that plaza each have a license.

Chairman Hammer asked about the State requirements for siting new liquor stores. Peter Gillespie said that siting is based on population, and right now Wethersfield is below the maximum number.

**Motion** to close the public hearing – by Commissioner Roberts

**Seconded** – by Commissioner Oickle

**Vote:** 9 - 0 - 0

Aye: Hammer, Roberts, Knecht, Petrelli, Munroe, Oickle, Hughes, Drake, Dean  
Dean  
Nay: None  
Abs: None

**Public hearing closed.**

**Motion:** Commissioner Roberts motioned to approve the application as submitted.

**Second:** Commissioner Hughes seconded the motion.

**Discussion:** Chairman Hammer asked if the motion should include any of the issues from the March 11<sup>th</sup> memo from Mike turner. Commissioner Roberts revised his motion to include the four (4) items listed in a memo (numbered 2, 3, 6 and 8) dated March 11, 2009 from Mike Turner, Town Engineer as follows:

1. Applicant should consider relocating at least one handicap parking stall to southeast corner of building near new entrance, as there are none closer than 200 feet.
2. Applicant should provide a handicap accessible ramp with ADA tactile detector panel near entrance, and a painted crosswalk to the parking space.
3. Applicant should discuss need for additional dumpsters, especially cardboard.
4. Confirm condition and re-placement of Fire lane- No Parking Signs if needed along front of building with the Fire Marshal. Fire marshal may wish to place additional along south face of building.

Commissioner Hughes seconded the revised motion.

Commissioner Oickle asked if the Commission should also stipulate that the landlord remove the storage container from the rear of the building. Commissioner Drake said he felt that the application should not be connected to an issue the applicant could not control.

Commissioner Roberts made a second revision to his motion to include a finding that the application did not constitute an undue concentration of liquor stores. Commissioner Hughes seconded the second revision of the motion.

**Vote:** 9 - 0 - 0

Aye: Hammer, Roberts, Knecht, Petrelli, Munroe, Oickle, Hughes, Drake, Dean  
Nay: None  
Abs: None

**Application approved.**

**3.3 PUBLIC HEARING - APPLICATION NO. 1651-09-Z Philip Colello Seeking a Special Permit for a Change of Use to operate a cosmetology school at 326 Silas Deane Highway.**

Philip Colello spoke on behalf of the application. Mr. Colello said that he has been in Town since 1993, and is moving to 326 Silas Deane Highway. He said that about 6 students at 6 teaching stations would

be at the school during the day. He also said that the changes needed indoors will be minor, including only removal of one countertop and one cooler.

Mr. Colello said that the State owns the property where a handicap ramp would normally be required, so he has applied to the state for a technical infeasibility waiver from this requirement.

Peter Gillespie said that the application is the result of an order issued by the Wethersfield Building Official. He said that work had begun without a change of use permit. Mr. Gillespie said that it looks as though the state will approve a waiver from the ramp requirement. The applicant has come before the Commission now, hoping to save time, by requesting approval of the change of use assuming that he will get the ramp waiver from the State. Mr. Gillespie said the other issue is that town staff have said the site plan submitted is inadequate.

Commissioner Roberts asked if there is a memo that provides staff comments, and if parts of the parking lot are in a flood zone. Peter Gillespie said that there is no flood zone anywhere on the property. He said Mike Turner's March 10<sup>th</sup> memo lists some deficiencies including: the site plan does not conform to the regulations, a survey is needed, an erosion and sedimentation certification is needed from the Wetlands Commission, and a review of the building elevation is needed by the Design Review Advisory Committee.

Peter Gillespie said that the Fire Marshall also wrote comments in a memo, including that the project needed to be up to fire code, exterior signage is needed, and site improvements are needed for rear access.

Mr. Colello said that a town official had stopped by his site and told him that everything was OK.

Chairman Hammer asked Mr. Gillespie whether there were any extension changes other than the possible ramp. Mr. Gillespie said there are no extensive changes outdoors, just 4 parking spaces that need to be paved.

Commissioner Roberts asked what the regulations specify for parking, and is a buffer required around parking areas. Mr. Gillespie said that the regulations do not specify, but he usually advises a 3 foot buffer.

Commissioner Oickle said that he does not see how they can approve this when the site plan is inadequate, and many of these questions would be answered by the site plan.

Commissioner Roberts asked if it made sense to continue the hearing to give time for Town staff to communicate what the applicant needs to provide. He said that he has no problem with the change of use, but is not comfortable approving without making sure things like parking, drainage, fire access, etc. are clear.

Mr. Gillespie said that the applicant is in a bind because he already closed his other location. The applicant is asking to allow him to proceed on a conditional basis until he can get a satisfactory site plan to Town staff. Commissioner Roberts asked if Mr. Gillespie meant an allowance inside or outside, and Mr. Gillespie said inside for renovations.

Chairman Hammer asked when is the State's decision expected for the ramp. **Mr. Colello said that he**

needs the Town to tell the State that the Town wants a ramp installed. Then the State will grant access, otherwise the State will not grant access. Commissioner Roberts said that he is not inclined to require a ramp.

Chairman Hammer asked when is the work indoors expected to be completed. Mr. Colello said it should only take a few days. Mr. Gillespie added that the certificate of occupancy cannot be issued until the ramp issue is decided.

Chairman Hammer said that the options appear to be either to continue the hearing or allow the work to continue indoors until there is a site plan for the work outdoors. He said that he thinks the applicant should be required to come back before the Commission, so they don't delegate that work to Town staff. Mr. Gillespie said that he normally would not suggest it, except the applicant needs to restart his business, and he is willing to assume that the State will approve the waiver.

Commissioner Drake asked if there is enough space for fewer students. He said that the Commission could approve with the stipulation of no more than 4 students until a site plan is approved, then he can go to 8 students.

Commissioner Knecht asked if the Town would incur liability if it approved the application without a certificate of occupancy. Commissioner Drake said no, the certificate would only be for 4 students. Commissioner Munroe said that he likes the idea of limiting the number of students.

Chairman Hammer said that a temporary certificate of occupancy is an option, and the Commission could place a time limit on it. Mr. Gillespie said that such an arrangement is common with seasonal work, so there is precedence for it. Commissioner Roberts said that the limiting factor is 4 parking spaces. He just doesn't want outdoor modifications until there is an approved site plan.

Commissioner Dean said that they can first approve the change in use, because that does not trigger a site plan. When the site plan is ready, the applicant can come back before the Commission to request more students.

**Motion** to close the public hearing - by Commissioner Oickle.

**Seconded** – by Commissioner Drake.

**Public hearing closed.**

**Motion:** Commissioner Drake motioned to approve the change in use with the following conditions:

1. The applicant shall only be issued a Temporary Certificate of Occupancy (TCO) until a full site plan is approved by the Commission.
2. No exterior site work shall commence until a site plan is approved by the Wethersfield Planning and Zoning Commission.
3. There shall be no more than four (4) cars parked on the paved area at a time.
4. No parking shall occur in the gravel area.

5. The applicant has ninety (90) days from March 17, 2009 to submit a full site plan. The deadline to submit the plan is June 15, 2009.

**Seconded** - by Commissioner Oickle.

**Vote:** 9 - 0 - 0

Aye: Hammer, Roberts, Knecht, Petrelli, Munroe, Oickle, Hughes, Drake, Dean

Nay: None

Abs: None

**Application approved with conditions.**

After the vote, Chairman Hammer suggested to the applicant that he work with Mr. Gillespie to convey to the State that the Commission prefers no large ramp in front of the building.

**3.4 PUBLIC HEARING - APPLICATION NO. 1652-09-Z The LRC Group** Seeking Site Plan and Design Review for a change that is not significant to revise site grading at 1025 Silas Deane Highway.

Peter Gillespie said that this application is not ready to go forward tonight.

**Motion** to table the application - by Commissioner Roberts.

**Seconded** - by Commissioner Hughes.

**Vote:** 9 - 0 - 0

Aye: Hammer, Roberts, Knecht, Petrelli, Munroe, Oickle, Hughes, Drake, Dean

Nay: None

Abs: None

**Application tabled.**

#### **4. OTHER BUSINESS**

**4.1 A referral from the Wethersfield Zoning Board of Appeals** in accordance with Section 10.4.F.4 of the Wethersfield Zoning Regulations regarding Application No. 6013-09 Seeking a Variance for the continued existence of a three (3) family residence at 672 Maple Street.

Peter Gillespie explained that the variance application is for changing the use of the property. He said that the building has 3 units, which makes it an illegal multi-family building. Mr. Gillespie said that the Zoning Enforcement Officer started enforcement as a result of a complaint. Now, the property owner must get a use variance, for which the Zoning Board of Appeals requires a referral opinion from the Planning and Zoning Commission.

Commissioner Oickle said that the building is huge, in an area of single family homes. He said he would not encourage approval – the buyer can sue the attorney for lack of due diligence.

Commissioner Hammer said that there is no information presented to support of the variance or the claim of hardship. Commissioner Hughes said that he wants to see an opinion from the Fire

Marshal, since the requirements for a 3 family are likely more stringent than what the building has now.

**Motion:** Commissioner Hughes motioned to forward a negative referral to the Zoning Board of Appeals.

**Second:** Commissioner Oickle seconded the motion.

**Vote:** 9 - 0 - 0

Aye: Hammer, Roberts, Knecht, Petrelli, Munroe, Oickle, Hughes, Drake, Dean

Nay: None

Abs: None

**Negative referral forwarded to Zoning Board of Appeals.**

#### **4.2 Planning & Zoning Amended Fee Schedule.**

Peter Gillespie said that 3 application fees are proposed to be increased based on the amount of work that goes into them, and compared to the fees of other towns. He said that the Town Council needs to approve the changes.

#### **4.3 Proposed Land Use Application Form.**

Peter Gillespie said that the information packet includes drafts of some standardized forms the Town will begin using.

### **5. MINUTES – Minutes of the March 3, 2009 meeting.**

Chairman Hammer noted suggested revisions to the draft minutes.

**Motion:** Commissioner Roberts motioned to approve the minutes as amended.

**Second:** Commissioner Oickle seconded the motion.

**Vote:** 7 - 0 - 2

Aye: Roberts, Knecht, Petrelli, Munroe, Oickle, Drake, Dean

Nay: None

Abs: Hammer, Hughes (not present at the 3-3-09 meeting)

**Minutes approved as amended.**

### **6. STAFF REPORTS**

Peter Gillespie said that a mortgage company will be coming before the Commission because they need a larger amount of parking. The company is located in a small shopping center next to Wethersfield Pizza.

Mr. Gillespie said that the Wethersfield Game Club is looking for clarification about a possible land use oversight. They are concerned they may have to move some current activities. Mr. Gillespie

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asked if the Commission wanted the Club to come before the Commission with its land use issue. Commissioner Roberts said that one of the activities in question may be shooting, so the matter should probably go through a Commission public hearing.

Mr. Gillespie said that the budget may include a provision to reduce from 2 to 1 the number of Town staff paid to attend Planning and Zoning Commission meetings. Chairman Hammer and Commissioner Roberts both said that the Commission needs both Town staff to attend their meetings. They said that there are too many opportunities for miscommunication, and it is best to have the Town staff at the meeting that actually met with the applicants to keep them honest while they are testifying. They said that applicants prefer it, too, since the alternative would sometimes be delaying a decision to confer with a staff person that did not attend. Commissioner Knecht agreed and said that the cosmetology school issue would not have been resolved tonight if the staff that talked with the applicant had not been at the meeting.

**7. PUBLIC COMMENTS ON GENERAL MATTERS OF PLANNING AND ZONING**

There was no public comment.

**8. CORRESPONDENCE**

**8.1** A letter from Enzo Minnitti regarding Application No. 1647-09-Z.

Peter Gillespie said that Mr. Minnitti submitted a letter stating that he planned to not use the permit to park a commercial vehicle in a residential zone, because he found a commercial location to park his truck.

**9. PENDING APPLICATIONS TO BE HEARD AT FUTURE MEETINGS**

**10. ADJOURNMENT**

**Motion to adjourn at 8:45 PM** – by Commissioner Roberts.

**Seconded** - by Commissioner Hughes.

**Vote:** 9 - 0 - 0

Aye: Hammer, Roberts, Knecht, Petrelli, Munroe, Oickle, Hughes, Drake, Dean

Nay: None

Abs: None

Respectfully submitted,

Kevin T. Sullivan, Recording Secretary